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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lawrence C. Little, Attorney Docket: 1430/103  
Serial No.: 10/827,140 Art Unit: 3749  
Date Filed: 4/19/2004 Examiner: James G. Barrow  
Invention: Welding Torch Striker with Safety Stopper

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VIA FACSIMILE: 571-273-8300

SHEET 1 of 4

December 26, 2005

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## Documents included in this Transmission:

(X) Election with Traverse (pages 1-4)

## ELECTION WITH TRAVERSE

Dear Sir:

This is a response to Office communication (restriction/election) dated 12/7/05.

Species 1 (FIGS. 1-2 & 5) is provisionally elected with traverse. Claims 1-5, 19-21 and 31-32 read on species 1.

The restriction requirement is believed to be improper because the Examiner states, on page 2: "Currently, no claims are generic". Applicant asserts that this statement is incorrect, and further asserts that the restriction requirement must be withdrawn, because independent claims 19-21 and 31 are generic linking claims, as illustrated in the "Claims/Species Map" herein, and as explained below.

In the present application, independent claim 21 reads on all of FIGS. 1-5 and 16-36, i.e. all of claimed species 1-9. Therefore claim 21 is a generic claim. (MPEP 806.04(d), first paragraph). Claims 22-30, collectively, are directed to all of the non-elected claimed species except species 2. Species 1 and 2 are claimed by claim 21; species 3 is claimed by claims 21 and 27; species 4-7 are claimed by claims 21 and 28-29; species 8 is claimed by claims 21-25; and species 9 is claimed by claims 21-22 and 26. Claims 22-30 all depend from claim 21.

Therefore, independent claim 21, directed to the elected species, is a generic "linking" claim, linking all claimed species, because claim 21 requires "no material element additional to those required by the species claims" (MPEP 809, first paragraph, and MPEP 806.04(d), second paragraph, line 1), and each of claims 22-30 is "written in dependent form" to "include all the limitations of claim 21" (MPEP 806.04(d), second paragraph, line 2).

Furthermore, each of independent claims 19, 20 and 31 reads on all of FIGS. 1-2, 5 and 16-36, i.e. on all the claimed species. Therefore, claims 19, 20 and 31 are generic "linking" claims, linking themselves and all the claimed species to the elected species.

Furthermore, claim 32 reads on FIGS. 1-2, 5, 16-17 and 33-36, i.e. on the elected species and on species 2, 8 and 9. So claim 32 is a generic "linking" claim, linking itself and species 2, 8 and 9 (species claimed by its dependent claims) to the elected species.

Applicant notes that the "linking claims must be examined with, and thus are considered part of, the invention elected". (MPEP 809, last paragraph, first sentence). Applicant further notes that when "all claims directed to the elected invention are allowable, should any linking claim be allowable, the restriction requirement between the linked inventions must be withdrawn". (MPEP 809, last paragraph, second sentence).

Applicant believes that all independent linking claims, claims 19-21 and 31-32, all directed to the elected species, are in condition for allowance, and that in view of these allowable linking claims, the restriction requirement between the linked inventions "must be withdrawn".

## CLAIMS/SPECIES MAP

## Species as Defined by Examiner

Serial No.: 10/827,140

Docket No. 1430/103

Pending Claims 1-37

12/26/05

|         |               |                            | Independent<br>Claims | 1       | 7       | 10        | 19 | 20 | 21 |    |           |    |    |           |    | 31 | 32        |
|---------|---------------|----------------------------|-----------------------|---------|---------|-----------|----|----|----|----|-----------|----|----|-----------|----|----|-----------|
|         |               |                            | Dependent<br>Claims   | 2-<br>6 | 8-<br>9 | 11-<br>18 | -  | -  |    | 22 | 23-<br>25 | 26 | 27 | 28-<br>29 | 30 | -  | 33-<br>37 |
| SPECIES | FIGS.         | Feature                    |                       |         |         |           |    |    |    |    |           |    |    |           |    |    |           |
| 1       | 1-2<br>& 5    | Flexible<br>sleeve         |                       | √       |         |           | √  | √  | √  |    |           |    |    |           |    | √  | √         |
| -       | 3-4 &<br>6-15 | (Prior<br>Art)             | -                     | -       | -       | -         | -  | -  | -  | -  | -         | -  | -  | -         | -  | -  | -         |
| 2       | 16-17         | Flexible<br>sleeve         |                       | √       |         |           | √  | √  | √  |    |           |    |    |           |    | √  | √         |
| 3       | 18            | Flexible<br>sock           |                       |         | √       |           | √  | √  | √  |    |           |    | √  |           |    | √  |           |
| 4       | 19-21         | Rigid<br>plate             |                       |         |         | √         | √  | √  | √  |    |           |    |    | √         |    | √  |           |
| 5       | 22-25         | Rigid<br>plate             |                       |         |         | √         | √  | √  | √  |    |           |    |    | √         |    | √  |           |
| 6       | 26-28         | Clamped<br>rigid<br>plates |                       |         |         | √         | √  | √  | √  |    |           |    |    | √         | √  | √  |           |
| 7       | 29-32         | Rigid<br>plate             |                       |         |         | √         | √  | √  | √  |    |           |    |    | √         |    | √  |           |
| 8       | 33-34         | Molded<br>web              |                       |         |         |           | √  | √  | √  | √  | √         |    |    |           |    | √  | √         |
| 9       | 35-36         | Pouch on<br>molded<br>web  |                       |         |         |           | √  | √  | √  |    | √         | √  |    |           |    | √  | √         |

√: Each claim in column reads on all FIG(S) in row.

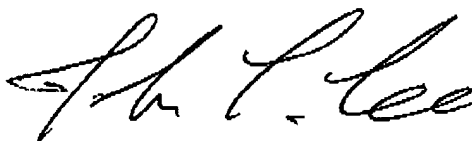
In the telephone call between Examiner Barrow and John Lee of 12/1/05, Examiner Barrow pointed out that the phrase "according to claim 11" in pending claim 11 is clearly incorrect, and should be corrected to read "according to claim 10". John Lee agreed. It was further agreed that this could be accomplished by Examiner Amendment.

Correction of pending claim 11 by Examiner Amendment to change the phrase "according to claim 11" to read "according to claim 10" is respectfully requested.

Reconsideration and withdrawal of the restriction requirement is respectfully requested.

It is believed that no extension of time is required. If additional fees are required for the timely consideration of this application, please charge deposit account no. 120914.

Respectfully submitted,



John L. Lee

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